

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

2004 MAY 21 A 10:39

UNITED STATES OF AMERICA)
)
 v.)
)
 EDWIN RODRIGUEZ)
 AKA "KING CHOLO")
)
 JOSUE RODRIGUEZ)
 AKA "PERRO")

Cr. No. 04-01671-NG
U.S. DISTRICT COURT
DISTRICT OF MASS.

JOINT INITIAL STATUS REPORT

The United States of America and the defendants, Edwin Rodriguez and Josue Rodriguez, by their respective undersigned counsel, submit this joint status report pursuant to Local Rule 116.5(A).

1. Local Rule 116.3 Timing Requirements

At this time the parties do not seek relief from the timing requirements imposed by L.R. 116.3.

2. Expert Discovery

The government anticipates that, unless there is a stipulation regarding the controlled substance involved in this case, it will offer expert testimony regarding the cocaine base seized in this case. The defendants reserve their respective rights to seek such discovery.

3. Additional Discovery

Rule 16 and automatic discovery materials have been or are being provided or made available to defendants' respective counsel this week. In the event that the government becomes aware of any additional Rule 16 and/or automatic discovery

material, it will immediately provide such material to counsel for the defendants.

4. Motion Date

The parties requests that all motions be filed on or before July 13, 2004, and any responses be served by July 27, 2004. The parties request that a final status conference be scheduled for on or about July 13, 2004, and that the time from the date of the initial status conference to and including the date of the final status conference be excluded from all calculations under the Speedy Trial Act in the interests of justice.

5. Speedy Trial Act

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and believe that the following periods are excludable from the date of arraignment on April 13, 2004:

4/13/04-4/27/04	Order on excludable delay dated 4/13/04
4/28/04-5/12/04	Order on excludable delay dated 4/13/04; excludable delay pursuant to Local Rule 112.2(A)(2) & 18 U.S.C. § 3161(h)(8)(A)
5/25/04-date of final status	Excluded as set forth above

As of the Final Status Conference, 12 days will have been counted and 58 days will remain under the Speedy Trial Act.

6. Anticipated Trial

It is too early to tell whether a trial will be needed in this matter. The United States estimates that a trial would last

approximately 2-3 days.

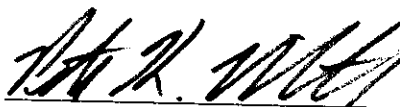
7. Final Status Conference

The parties request that a Final Status Conference be scheduled for on or about July 13, 2004.

Respectfully submitted,


MICHAEL J. SULLIVAN
United States Attorneys,

By:




JOHN A. WORTMANN JR.
PETER K. LEVITT
Assistant U.S. Attorneys
One Courthouse Way
Boston, MA
(617) 748-3355

COUNSEL FOR EDWIN RODRIGUEZ



PAUL MARKHAM, ESQ.
PO Box 1101
Melrose, MA 02176
781-665-1800

COUNSEL FOR JOSUE RODRIGUEZ



EUGENE P. MCCANN, ESQ.
Manzi & McCann
59 Jackson Street
Lawrence, MA 01840
978-686-5664

May 20, 2004